

SEND

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

CIVIL MINUTES - GENERAL

Case No.: CV 06-5113 AHS (MLGx)

Date: October 25, 2006

Title: Gustavo Covarrubias Barriga v. Guidant Corp., et al.
=====

PRESENT: HON. ALICEMARIE H. STOTLER, CHIEF U.S. DISTRICT JUDGE

Ellen Matheson
Deputy Clerk

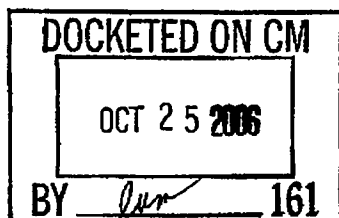
Not Present
Court Reporter

ATTORNEYS PRESENT: None present

PROCEEDINGS: (IN CHAMBERS) ORDER CONTINUING PLAINTIFF'S MOTION
TO REMAND FROM NOVEMBER 6, 2006, AT 10:00 A.M., TO
FEBRUARY 12, 2007, AT 10:00 A.M.

In light of the scheduled November 30, 2006 hearing
before the Judicial Panel on Multidistrict Litigation, on the
Court's own motion, the hearing on plaintiff's motion to remand
is ordered continued from November 6, 2006, at 10:00 a.m., to
February 12, 2007, at 10:00 a.m.

The clerk shall serve this minute order on counsel for
all parties in this action.



MINUTES FORM 11

INITIALS OF DEPUTY CLERK

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PRIORITY SEND

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. EDCV 06-909-VAP(CTx)

Date: September 29, 2006

Title: REX DILL, individually and as successor in interest to decedent, HAZEL
DILL -v- GUIDANT CORPORATION; et al.

PRESENT: HONORABLE VIRGINIA A. PHILLIPS, U.S. DISTRICT JUDGE

Rachel Ingram
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:

None

ATTORNEYS PRESENT FOR
DEFENDANTS:

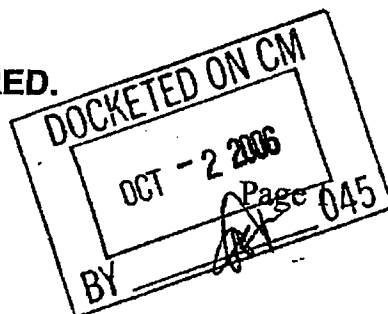
None

PROCEEDINGS: MINUTE ORDER (1) VACATING HEARING DATE FOR
PLAINTIFF'S MOTION TO REMAND AND (2) DENYING
DEFENDANTS' MOTION TO DISCONTINUE AS MOOT (IN
CHAMBERS)

A Conditional Transfer Order was filed in this case by the Judicial Panel on
Multidistrict Litigation, which transferred the case to the Honorable Donovan W.
Frank, District of Minnesota. The Court hereby: (1) **VACATES** the hearing date of
October 5, 2006, for Plaintiff's Motion to Remand; and (2) **DENIES** as moot
Defendants' Motion to Discontinue Pretrial Deadlines Pending Transfer to MDL
Court.

IT IS SO ORDERED.

MINUTES FORM 11
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SEND

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

CIVIL MINUTES - GENERAL

Case No.: CV 06-5178 AHS (MLGx)

Date: October 25, 2006

Title: William J. Frayer v. Guidant Corp., et al.

PRESENT: HON. ALICEMARIE H. STOTLER, CHIEF U.S. DISTRICT JUDGE

Ellen Matheson
Deputy Clerk

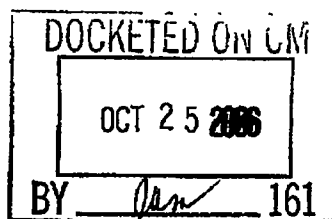
Not Present
Court Reporter

ATTORNEYS PRESENT: None present

PROCEEDINGS: (IN CHAMBERS) ORDER CONTINUING PLAINTIFF'S MOTION
FOR REMAND FROM NOVEMBER 6, 2006, AT 10:00 A.M.,
TO FEBRUARY 12, 2007, AT 10:00 A.M.

In light of the scheduled November 30, 2006 hearing
before the Judicial Panel on Multidistrict Litigation, on the
Court's own motion, the hearing on plaintiff's motion to remand
is ordered continued from November 6, 2006, at 10:00 a.m., to
February 12, 2007, at 10:00 a.m.

The clerk shall serve this minute order on counsel for
all parties in this action.



MINUTES FORM 11

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SA CV06-00754-CJC(MLGx) Date September 19, 2006
Title Perry Johnson -v- Guidant Corporation, et al.

Present: The Honorable CORMAC J. CARNEY

Debra Beard

Not Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

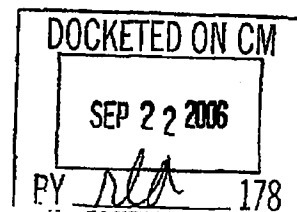
Not Present

Proceedings: (In Chambers)

The Court has received the letter dated September 11, 2006 from Judicial Panel on Multidistrict Litigation regarding the above case indicating that a conditional transfer order was issued on September 11, 2006.

Accordingly, the plaintiff's motion to remand set for September 25, 2006 at 1:30 p.m. is placed off calendar.

The Clerk is directed to serve a copy of this minute order on counsel for all parties in this action.



Initials of Preparer: _____

Initials of Deputy Clerk: _____

SEND

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

CIVIL MINUTES - GENERAL

Case No.: CV 06-5114 AHS (MLGx)

Date: October 25, 2006

Title: Angelo Roberts v. Guidant Corp., et al.

PRESENT: HON. ALICEMARIE H. STOTLER, CHIEF U.S. DISTRICT JUDGE

Ellen Matheson
Deputy Clerk

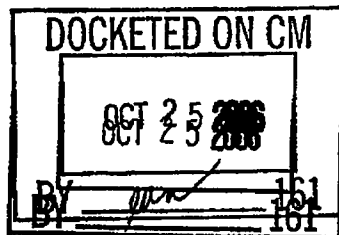
Not Present
Court Reporter

ATTORNEYS PRESENT: None present

PROCEEDINGS: (IN CHAMBERS) ORDER CONTINUING PLAINTIFF'S MOTION
TO REMAND FROM NOVEMBER 6, 2006, AT 10:00 A.M., TO
FEBRUARY 12, 2007, AT 10:00 A.M.

In light of the scheduled November 30, 2006 hearing
before the Judicial Panel on Multidistrict Litigation, on the
Court's own motion, the hearing on plaintiff's motion to remand
is ordered continued from November 6, 2006, at 10:00 a.m., to
February 12, 2007, at 10:00 a.m.

The clerk shall serve this minute order on counsel for
all parties in this action.



MINUTES FORM 11

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 06-766-JVS(RNBx) Date September 22, 2006
SACV 06-767-JVS(RNBx)

Title Pearl M. Russo v. Guidant Corp., et al.
James Austin Smith v. Guidant Corp., et al.

Present: The Honorable James V. Selna

Karla J. Tunis

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (In Chambers) Order Vacating Hearing on Plaintiffs Motions for
Remand Pending Ruling from MDL Panel

The Court hereby vacates the hearing on Pearl M. Russo and James Austin Smith's separate Motions for Remand pending a determination from the Multi-District Litigation (MDL) Panel on the possible transfer of these actions.

Counsel shall notify the Court immediately upon a decision by the MDL Panel and the Court will then reset the motions if necessary.

Initials of Preparer kjt

SEND

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

CIVIL MINUTES - GENERAL

Case No.: SA CV 06-753 AHS (MLGx)

Date: October 25, 2006

Title: Dina Smith-Toscano v. Guidant Corp., et al.

PRESENT: HON. ALICEMARIE H. STOTLER, CHIEF U.S. DISTRICT JUDGE

Ellen Matheson
Deputy Clerk

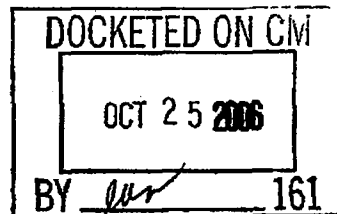
Not Present
Court Reporter

ATTORNEYS PRESENT: None present

PROCEEDINGS: (IN CHAMBERS) ORDER CONTINUING PLAINTIFF'S MOTION
TO REMAND FROM NOVEMBER 6, 2006, AT 10:00 A.M., TO
FEBRUARY 12, 2007, AT 10:00 A.M.

In light of the scheduled November 30, 2006 hearing
before the Judicial Panel on Multidistrict Litigation, on the
Court's own motion, the hearing on plaintiff's motion to remand
is ordered continued from November 6, 2006, at 10:00 a.m., to
February 12, 2007, at 10:00 a.m.

The clerk shall serve this minute order on counsel for
all parties in this action.



MINUTES FORM 11

INITIALS OF DEPUTY CLERK [signature]

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21

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PIERO BIONDI, et al.,

) 1:06cv01150 AWI DLB

Plaintiffs,

) ORDER VACATING HEARING DATE
) FOR PLAINTIFFS' MOTION TO REMAND
) AND STAYING ACTION

v.

GUIDANT CORPORATION, et al.,

Defendants.

On June 15, 2006, Plaintiffs Piero Biondi, Trent Mobley and Paradisa Ruffoni, individually and as successor in interest to decedent Frank Ruffoni ("Plaintiffs") filed the instant products liability action in Fresno County Superior Court. Defendants Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., and Boston Scientific ("Defendants") removed the action to this Court on August 28, 2006, based on this Court's diversity jurisdiction. Defendants contend that Plaintiffs fraudulently joined Resident Defendants St. Agnes Medical Center and Fresno Community Hospital and Medical Center in an effort to destroy diversity.

Plaintiffs filed a motion to remand the action on September 7, 2006.

Defendants urge the Court to defer ruling on Plaintiffs' motion and to allow the Multidistrict Litigation Panel No. 1708, In re Guidant Corp. Implantable Defibrillators Product Liability Litigation ("MDL") to resolve the remand issue. On October 6, 2006, the Judicial Panel on Multidistrict Litigation issued a Conditional Transfer Order ("CTO") ordering the conditional

1 transfer of this action to the MDL proceedings.

2 Accordingly, pursuant to the CTO, and because the Court finds that the MDL is just as
3 well situated as this Court to determine the remand issue, the Court VACATES the October 13,
4 2006, hearing date set for Plaintiffs' motion to remand and STAYS the instant action pending
5 notice from the MDL or the parties as the transfer status. If it becomes necessary to hear the
6 motion to remand at a later date, the parties may file an amended notice of hearing resetting the
7 motion on the Court's calendar.

8
9 IT IS SO ORDERED.

10 Dated: October 20, 2006
11 3b142a

/s/ **Dennis L. Beck**
UNITED STATES MAGISTRATE JUDGE

CIVIL, CLOSED

**U.S. District Court
Eastern District of California - Live System (Fresno)
CIVIL DOCKET FOR CASE #: 1:06-cv-01116-AWI-TAG**

Sallie Everett v. Guidant Corporation et al
Assigned to: Judge Anthony W. Ishii
Referred to: Magistrate Judge Theresa A. Goldner
Cause: 28:1332 Diversity-(Citizenship)

Date Filed: 08/23/2006
Date Terminated: 03/06/2007
Jury Demand: Both
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Sallie Everett

represented by **Kristin Marie Lucey**
Gillin, Jacobson, Ellis & Larsen
2 Theatre Square
Suite 230
Orinda, CA 94563
(925) 253-5800
Fax: (925) 253-5858
Email: kristin@gjel.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Guidant Corporation

represented by **Dana Nicole Gwaltney**
Shook Hardy and Bacon LLP
333 Bush Street
Suite 600
San Francisco, CA 94104-2828
415-544-1900
Fax: 415-391-0281
Email: dgwaltney@shb.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sara J Romano
Shook, Hardy & Bacon, L.L.P.
333 Bush Street
Suite 600
San Francisco, CA 94104-2828
415544-1900 59065
Fax: 415391-0281

Email: sromano@shb.com
ATTORNEY TO BE NOTICED

Defendant

Guidant Sales Corporation

represented by **Dana Nicole Gwaltney**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sara J Romano
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Cardiac Pacemakers, Inc.

represented by **Dana Nicole Gwaltney**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sara J Romano
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Boston Scientific Corporation

represented by **Dana Nicole Gwaltney**
 (See above for address)
ATTORNEY TO BE NOTICED

Sara J Romano
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Memorial Hospitals Association

| Date Filed | # | Docket Text |
|------------|----------|---|
| 08/23/2006 | <u>1</u> | NOTICE of REMOVAL <i>under 28 U.S.C Section 1441, 1446 and 1332 (Diversity) and Request for Jury Trial</i> from Stanislaus County Superior Court, case number 381222. by Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific corporation. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2)(Romano, Sara) (Entered: 08/23/2006) |
| 08/23/2006 | <u>2</u> | CIVIL COVER SHEET by Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific corporation (Romano, Sara) (Entered: 08/23/2006) |
| 08/23/2006 | <u>3</u> | NOTICE by Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific corporation. <i>to Plaintiff of Filing</i> |

| | | |
|------------|-----------|--|
| | | <i>Notice of Removal of Action</i> (Attachments: # <u>1</u> Exhibit A)(Romano, Sara) (Entered: 08/23/2006) |
| 08/23/2006 | <u>4</u> | STATEMENT of Disclosure on Behalf of Defendants filed Pursuant to Fed.R.Civ.P. 7.1(a) by Defendants Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific corporation. (Romano, Sara) (Entered: 08/23/2006) |
| 08/23/2006 | <u>5</u> | NOTICE by Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific corporation. <i>to United States District Court that Notice of Removal of Action has been filed in State Court</i> (Romano, Sara) (Entered: 08/23/2006) |
| 08/23/2006 | | RECEIPT number 100 203916 for \$350.00 for Notice of Removal from Legal Services. (Carter-Ford, R) (Entered: 08/23/2006) |
| 08/23/2006 | <u>6</u> | CIVIL NEW CASE DOCUMENTS ISSUED; Initial Scheduling Conference set for 12/18/2006 at 08:45 AM in Courtroom 8 (LJO) before Magistrate Judge Lawrence J. O'Neill. (Attachments: # <u>1</u> Consent Forms # <u>2</u> VDRP Forms) (Carter-Ford, R) (Entered: 08/23/2006) |
| 08/23/2006 | <u>7</u> | CIVIL NEW CASE DOCUMENTS ISSUED; Initial Scheduling Conference set for 12/18/2006 at 08:45 AM in Courtroom 8 (LJO) before Magistrate Judge Lawrence J. O'Neill. (Carter-Ford, R) (Entered: 08/23/2006) |
| 08/28/2006 | <u>8</u> | STIPULATION and PROPOSED ORDER Stipulation and [Proposed] Order to Continue Pretrial Deadlines by Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific corporation. Attorney Gwaltney, Dana Nicole added. (Gwaltney, Dana) (Entered: 08/28/2006) |
| 08/29/2006 | <u>10</u> | STIPULATION and ORDER to continue Pretrial Deadlines signed by Judge Anthony W. Ishii on 08/29/06. (Lundstrom, T) (Entered: 08/30/2006) |
| 08/30/2006 | <u>9</u> | MINUTE ORDER: (TEXT ONLY) Proposed Stipulation and Order <u>8</u> - DENIED without prejudice. Status Conference set for 11/8/2006 at 08:30 AM in Courtroom 8 (LJO) before Magistrate Judge Lawrence J. O'Neill signed by Judge Lawrence J. O'Neill on 8/30/06. Counsel are encouraged to attend the status conference by telephone by arranging a one-line conference call and telephoning the Court at (559) 499-5680.(Lira, I) (Entered: 08/30/2006) |
| 09/01/2006 | <u>11</u> | STIPULATION and PROPOSED ORDER Amended Stipulation and [Proposed] Order to Continue Pretrial Deadlines by Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific Corporation. (Romano, Sara) (Entered: 09/01/2006) |
| 09/05/2006 | <u>12</u> | ORDER signed by Judge Anthony W. Ishii on 8/31/06 ORDERING <u>10</u> Stipulation and Order to continue proceedings is hereby VACATED. The parties shall proceed according to the minute order filed 8/30/06. (Carter-Ford, R) (Entered: 09/05/2006) |

| | | |
|------------|-----------|--|
| 09/07/2006 | <u>13</u> | MOTION to REMAND by Sallie Everett. Motion Hearing set for 10/20/2006 at 08:30 AM in Courtroom 8 (LJO) before Magistrate Judge Lawrence J. O'Neill. (Attachments: # <u>1</u> Declaration of Kristin Lucey in Support of Motion to Remand# <u>2</u> Proposed Order Granting Motion to Remand# <u>3</u> Certificate of Service)(Lucey, Kristin) (Entered: 09/07/2006) |
| 09/15/2006 | <u>14</u> | AMENDED STIPULATION AND ORDER TO CONTINUE PRETRIAL DEADLINES signed by Judge Lawrence J. O'Neill on 9/15/06. Note: Status Conference set for 11/8/06 will remain on calendar. Counsel my appear by telephone. (Lira, I) (Entered: 09/15/2006) |
| 09/25/2006 | <u>15</u> | ORDER REASSIGNING CASE signed by Judge Lawrence J. O'Neill on 9/20/06. Case reassigned to Judge Theresa A. Goldner for all further proceedings. Judge Lawrence J. O'Neill no longer assigned to case. New case number shall be 1:06-cv-01116 AWI TAG. (Carter-Ford, R) (Entered: 09/25/2006) |
| 09/26/2006 | <u>16</u> | MINUTE ORDER: (TEXT ONLY) RESET MOTION HEARING as to <u>13</u> MOTION to REMAND - Motion Hearing currently set for 10/20/06 before Judge O'Neill has been VACATED and ADVANCED to 10/19/2006 at 01:30 PM before Magistrate Judge Theresa A. Goldner. COURTROOM 10, 6TH FLOOR, U.S. DISTRICT COURT, 2500 TULARE STREET FRESNO CA. NOTE: Status Conference set for 11/8/06 and Scheduling Conference set for 12/18/06 before Judge O'Neill have been VACATED and should be reset before Judge Goldner. (Lira, I) (Entered: 09/26/2006) |
| 10/05/2006 | <u>17</u> | MEMORANDUM/RESPONSE in OPPOSITION. <i>to Motion to Remand</i> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J# <u>11</u> Exhibit K# <u>12</u> Exhibit L# <u>13</u> Exhibit M# <u>14</u> Exhibit N# <u>15</u> Exhibit O# <u>16</u> Exhibit P# <u>17</u> Certificate of Service)(Gwaltney, Dana) (Entered: 10/05/2006) |
| 10/10/2006 | <u>18</u> | NOTICE by Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific Corporation. <i>of Conditional Transfer Order No. 19 by Judicial Panel on Multidistrict Litigation</i> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Certificate of Service)(Gwaltney, Dana) (Entered: 10/10/2006) |
| 10/12/2006 | <u>19</u> | REPLY to RESPONSE to MOTION. <i>to Remand</i> (Attachments: # <u>1</u> Certificate)(Lucey, Kristin) (Entered: 10/12/2006) |
| 10/17/2006 | <u>20</u> | MINUTE ORDER (TEXT ONLY) as approved by Magistrate Judge Theresa A. Goldner: The Court HEREBY ORDERS Plaintiff's Motion to Remand - MOOT, and the hearing set for 10/19/2006 VACATED due to Conditional Transfer Order 19 from the Judicial Panel on Multidistrict Litigation, No. 1708. If it becomes necessary to have the Motion heard at a later date, the parties may file an amended notice of hearing resetting the Motion on the Court's calendar re (Doc. 13) Motion to Remand filed by Sallie Everett. In the event the JPML decides not to transfer this action to MDL-1708, counsel for Plaintiff and Defendants shall notify this |

| | | |
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| | | Court in writing, within 10 days, and the Court will set a Scheduling Conference. A Status Conference is set for 11/27/2006 at 9:30 a.m., to ascertain whether this action has been transferred to the JPML. Counsel are to submit a Joint Status Report at least five days prior to the Status Conference. Counsel are encouraged to attend the Status Conference by telephone by arranging a one-line conference call and telephoning the Court at 661-326-6620. (Leon Guerrero, A) (Entered: 10/17/2006) |
| 11/20/2006 | <u>21</u> | JOINT STATUS REPORT by Sallie Everett. (Attachments: # <u>1</u> Certificate of Service)(Lucey, Kristin) (Entered: 11/20/2006) |
| 11/27/2006 | <u>22</u> | MINUTES (Text Only) for proceedings held before Judge Theresa A. Goldner: STATUS CONFERENCE conducted on 11/27/2006 re Judicial Panel on Multidistrict Litigation Conditional Transfer Order 19. Parties report that plaintiff's motion to vacate CTO 19 will be heard by JPML approximatley 1/25/2007, and anticipate a ruling within 2 to 3 weeks thereafter. The Court sets a Further Status Conference on 2/22/2007 at 09:30 AM in Bakersfield at 1200 Truxtun (TAG) before Magistrate Judge Theresa A. Goldner re status of transfer to JPML. Counsel are to submit a Joint Status Report at least two days prior to the Status Conference. Counsel are encouraged to attend the Status Conference by telephone by arranging a one-line conference call and telephoning the Court at (661) 326-6620. Plaintiffs Counsel K. Lucey present. Defendants Counsel D. Gwaltney present. (Leon Guerrero, A) (Entered: 11/27/2006) |
| 12/29/2006 | <u>23</u> | NOTICE by Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific Corporation. <i>of Issuance of Hearing Session and Transfer Order by Judicial Panel on Multi-district Litigation</i> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Certificate of Service) (Romano, Sara) (Entered: 12/29/2006) |
| 02/13/2007 | <u>24</u> | NOTICE by Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific Corporation. <i>of Issuance of Transfer Order by Judicial Panel on Multidistrict Litigation</i> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Certificate of Service)(Romano, Sara) (Entered: 02/13/2007) |
| 02/13/2007 | <u>25</u> | NOTICE of certified order of transfer received from the MDL Panel <u>24</u> . (Rooney, M) (Entered: 02/14/2007) |
| 02/14/2007 | <u>26</u> | TRANSMITTAL of DOCUMENTS re <u>25</u> Notice, on *2/7/2007* to * United States District Court* *202 U.S. Courthouse* *300 South Fourth Street* *Minneapolis, MN 55415*. *Electronic Documents: 1 to 26. *. (Rooney, M) (Certified copy of docket sheet and transmittal forwarded via US Postal Service) (Entered: 02/14/2007) |
| 02/16/2007 | <u>27</u> | MINUTE ORDER (Text Only) as approved by Judge Goldner: In light of the recent JPML Transfer Order transferring this action to the District of Minnesota <u>23</u> , the Further Status Conference set for February 22, 2007 before Judge Goldner <u>22</u> is VACATED. (Leon Guerrero, A) (Entered: 02/16/2007) |

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| | | 02/16/2007) |
| 02/26/2007 | <u>28</u> | RETURNED Acknowledgment of Receipt from Minneapolis, MN District Court.(Hellings, J) (Entered: 02/28/2007) |
| 03/05/2007 | <u>29</u> | Return receipt for records from USDC Minneapolis, MN. (Timken, A) (Entered: 03/08/2007) |
| 03/06/2007 | <u>30</u> | ORDER AND MDL NOTICE. CASE TRANSFERRED to District of Minnesota. CASE CLOSED. (Carter-Ford, R) (Entered: 03/09/2007) |
| 03/09/2007 | <u>31</u> | TRANSMITTAL of DOCUMENTS re <u>30</u> Order. Case Transferred Out on *3/6/2007* to * US District Court Clerk* *USDC District of Minnesota* *300 S. Fourth Street, Room 202* *Minneapolis, MN 55415*. *Electronic Documents: 1 to 31. *. Certified copy of docket sheet. (Carter-Ford, R) (Entered: 03/09/2007) |
| 03/16/2007 | <u>32</u> | NOTICE from the USDC, District of Minnesota, acknowledging receipt of case file <u>31</u> . (Rooney, M) (Entered: 03/20/2007) |

| PACER Service Center | | | |
|----------------------|---------------|------------------|-----------------------|
| Transaction Receipt | | | |
| 01/29/2008 11:26:39 | | | |
| PACER Login: | sh0019 | Client Code: | capa 138721 ajm |
| Description: | Docket Report | Search Criteria: | 1:06-cv-01116-AWI-TAG |
| Billable Pages: | 4 | Cost: | 0.32 |

CIVIL, CLOSED

**U.S. District Court
Eastern District of California - Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:06-cv-01945-WBS-DAD**

Notestine v. Guidant Corporation et al
Assigned to: Judge William B. Shubb
Referred to: Magistrate Judge Dale A. Drozd
Cause: 28:1441 Petition for Removal- Product Liability

Date Filed: 08/30/2006
Date Terminated: 03/05/2007
Jury Demand: Both
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Randal Notestine

represented by **Kristin Marie Lucey**
Gillin, Jacobson, Ellis & Larsen
2 Theatre Square
Suite 230
Orinda, CA 94563
(925) 253-5800
Fax: (925) 253-5858
Email: kristin@gjel.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Guidant Corporation

represented by **Dana Nicole Gwaltney**
Shook Hardy and Bacon LLP
333 Bush Street
Suite 600
San Francisco, CA 94104-2828
415-544-1900
Fax: 415-391-0281
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Defendant

Guidant Sales Corporation

represented by **Dana Nicole Gwaltney**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sara J Romano
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Cardiac Pacemakers, Inc.

represented by **Dana Nicole Gwaltney**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sara J Romano
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Boston Scientific Corporation

represented by **Dana Nicole Gwaltney**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sara J Romano
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Rideout Memorial Hospital

TERMINATED: 02/23/2007

| Date Filed | # | Docket Text |
|------------|----------|---|
| 08/30/2006 | <u>1</u> | NOTICE of REMOVAL of Action Under 28 U.S.C. Sections 1441, 1446 and 1332 (Diversity) and Request for Jury Trial from Superior Court County of Yuba, case number 06 0000392. by Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B part 1# <u>3</u> Exhibit B part 2# <u>4</u> Exhibit B part 3# <u>5</u> Exhibit B part 4# <u>6</u> Exhibit B part 5) (Gwaltney, Dana) (Entered: 08/30/2006) |
| 08/30/2006 | <u>2</u> | CIVIL COVER SHEET by Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific Corporation |

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| | | (Gwaltney, Dana) (Entered: 08/30/2006) |
| 08/30/2006 | <u>3</u> | STATEMENT of Disclosure Statement on behalf of Defendants Filed Pursuant to Fed.R.Civ.P. 7.1(a) by Defendants Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific Corporation re <u>2</u> Civil Cover Sheet, <u>1</u> Notice of Removal - ATY., (Gwaltney, Dana) (Entered: 08/30/2006) |
| 08/30/2006 | <u>4</u> | NOTICE by Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific Corporation re <u>3</u> Statement,, <u>2</u> Civil Cover Sheet, <u>1</u> Notice of Removal - ATY., <i>to Plaintiff of Filing Notice of Removal</i> (Attachments: # <u>1</u> Exhibit A - Notice of Removal# <u>2</u> Exhibit A - exhibits to notice of removal# <u>3</u> Exhibit A - exhibits to notice of removal# <u>4</u> Exhibit A - exhibits to notice of removal# <u>5</u> Exhibit A - exhibits to notice of removal# <u>6</u> Exhibit A - exhibits to notice of removal# <u>7</u> Exhibit A - exhibits to notice of removal)(Gwaltney, Dana) (Entered: 08/30/2006) |
| 08/30/2006 | | RECEIPT number 205 11413 for \$350.00 for filing fees from Ruby G Darmstadt. (Kaminski, H) (Entered: 08/30/2006) |
| 08/30/2006 | <u>6</u> | CIVIL NEW CASE DOCUMENTS ISSUED; Initial Scheduling Conference set for 11/20/2006 at 09:00 AM in Courtroom 5 (WBS) before Judge William B. Shubb. (Attachments: # <u>1</u> Consent Forms # <u>2</u> VDRP Forms) (Kaminski, H) (Entered: 08/30/2006) |
| 08/31/2006 | <u>7</u> | NOTICE by Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific Corporation that a Notice of Removal of Action has been filed in State Court (Gwaltney, Dana) Modified on 9/5/2006 (Carlos, K). (Entered: 08/31/2006) |
| 09/01/2006 | <u>8</u> | CERTIFICATE of SERVICE by Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific Corporation re <u>2</u> Civil Cover Sheet, <u>1</u> Notice of Removal, <u>4</u> Notice, <u>3</u> Statement. (Gwaltney, Dana) (Entered: 09/01/2006) |
| 09/06/2006 | <u>9</u> | STIPULATION and PROPOSED ORDER to Continue Pretrial Deadlines by Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific Corporation. (Gwaltney, Dana) Modified on 9/8/2006 (Donati, J). (Entered: 09/06/2006) |
| 09/07/2006 | <u>10</u> | MOTION to REMAND by Randal Notestine. Motion Hearing set for 10/16/2006 at 01:30 PM in Courtroom 5 (WBS) before Judge William B. Shubb. (Attachments: # <u>1</u> Declaration # <u>2</u> Proposed Order # <u>3</u> Certificate of Service)(Lucey, Kristin) Modified on 9/8/2006 (Donati, J). (Entered: 09/07/2006) |
| 09/08/2006 | <u>11</u> | STIPULATION AND ORDER signed by Judge William B. Shubb on 9/7/06 ORDERING Status Conference RE-SET for 1/29/2007 at 09:00 AM in Courtroom 10 (GEB) before Judge William B. Shubb. The deadline for dfts to answer or otherwise respond to pltf's complaint shall be as follows: a) if the case is not remanded to state court, and is transferred to the MDL court, any response will be due pursuant to a |

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| | | deadline set by the MDL court; b) if the case is not remanded and also is not transferred to the MDL, any response will be due 30 days after the decision of the JPML denying transfer to the MDL court; or c) if the case is remanded, any response will due 30 days after the remand decision by this court.(Carlos, K) (Entered: 09/08/2006) |
| 10/02/2006 | <u>12</u> | MEMORANDUM/RESPONSE in OPPOSITION to Motion to Remand <u>10</u> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J# <u>11</u> Exhibit K# <u>12</u> Exhibit L# <u>13</u> Exhibit M# <u>14</u> Exhibit N# <u>15</u> Certificate of Service)(Gwaltney, Dana) Modified on 10/3/2006 (Duong, D). (Entered: 10/02/2006) |
| 10/06/2006 | <u>13</u> | Plaintiff's REPLY to Defendants' OPPOSITION to Plaintiff's Motion to Remand. (Attachments: # <u>1</u> Certificate of Service)(Lucey, Kristin) Modified on 10/10/2006 (Mena-Sanchez, L). (Entered: 10/06/2006) |
| 10/06/2006 | <u>14</u> | NOTICE by Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific Corporation. <i>of Orders by Judicial Panel on Multi-District Litigation and Courts in Related Cases</i> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Certificate of Service)(Gwaltney, Dana) Modified on 10/10/2006 (Mena-Sanchez, L). (Entered: 10/06/2006) |
| 10/10/2006 | <u>15</u> | NOTICE by Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific Corporation <i>of Conditional Transfer Order No. 19 by Judicial Panel on Multidistrict Litigation</i> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Certificate of Service)(Gwaltney, Dana) Modified on 10/11/2006 (Mena-Sanchez, L). (Entered: 10/10/2006) |
| 10/11/2006 | <u>16</u> | MINUTE ORDER (TEXT ONLY) as approved by Judge William B. Shubb: The Court HEREBY ORDERS Plaintiff's Motion to Remand MOOT and the hearing set for 10/16/2006 VACATED due to the Conditional Transfer Order from Multidistrict Litigation Panel 1708. The Court further ORDERS the Status Conference date of 1/29/2007 VACATED. If it becomes necessary to have the motion heard at a later date, the parties may file an amended notice of hearing resetting the motion on the Court's calendar re <u>10</u> Motion to Remand filed by Randal Notestine.(Kirksey Smith, K) (Entered: 10/11/2006) |
| 12/29/2006 | <u>17</u> | NOTICE by Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., Boston Scientific Corporation. <i>of Issuance of Hearing Session and Transfer Order by Judicial Panel on Multi-district Litigation</i> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Certificate of Service) (Gwaltney, Dana) (Entered: 12/29/2006) |
| 02/13/2007 | <u>18</u> | NOTICE of MDL Transfer by Guidant Corp., Guidant Sales Corp., Cardiac Pacemakers, Inc., & Boston Scientific Corp. Attorney Romano, Sara J added. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Certificate of Service) (Romano, Sara) Modified on 2/15/2007 (Brown, T). (Entered: 02/13/2007) |

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| 02/23/2007 | <u>19</u> | NOTICE of VOLUNTARY DISMISSAL by Randal Notestine. (Lucey, Kristin) (Entered: 02/23/2007) |
| 02/27/2007 | <u>20</u> | NOTICE: pursuant to <u>19</u> Notice of Voluntary Dismissal, defendant Rideout Memorial Hospital is DISMISSED, with prejudice, from this action. (Marciel, M) (Entered: 03/02/2007) |
| 03/05/2007 | <u>21</u> | MDL ORDER, CASE TRANSFERRED to US District Court District of Minnesota. Original file, certified copy of transfer order, and docket sheet sent. CASE CLOSED.(Mena-Sanchez, L) (Entered: 03/05/2007) |
| 03/07/2007 | <u>22</u> | TRANSMITTAL of DOCUMENTS RE: <u>21</u> MDL Transfer Order, * Paper Documents: 1, 2, 21 * and a certified copy of the docket sheet sent to US District Court of Minnesota. (Mena-Sanchez, L) (Entered: 03/07/2007) |
| 03/15/2007 | | OTHER COURT CASE NUMBER from USDC District of Minnesota case number 07-1122 (DWF/AJB). (TEXT ONLY ENTRY) (Kirkpatrick, S) Modified on 3/15/2007 (Kirkpatrick, S). (Entered: 03/15/2007) |

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| 01/29/2008 11:28:47 | | | |
| PACER Login: | sh0019 | Client Code: | capa 138721 ajm |
| Description: | Docket Report | Search Criteria: | 2:06-cv-01945-WBS-DAD |
| Billable Pages: | 4 | Cost: | 0.32 |

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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RONALD CAMERON, et al.,

NO. CIV. S-06-1960 FCD DAD

Plaintiffs,

v.

GUIDANT CORPORATION,
et al.,

Defendants.

CLIFFORD HOSLER, et al.,

NO. CIV. S-06-1972 FCD KJM

Plaintiffs,

v.

GUIDANT CORPORATION,
et al.,

ORDER STAYING ACTIONS

Defendants.

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These matters are before the court on plaintiffs' motions to remand.¹ The court, however, defers ruling on the motions as the above entitled actions may be transferred to the Multidistrict

¹ Because oral argument will not be of material assistance, the court orders these matters submitted on the briefs. See E.D. Cal. Local Rule 78-230(h).

1 Litigation, MDL No. 1708, In re Guidant Corp. Implantable
2 Defibrillators Products Liability Litigation, pending in the
3 United States District Court of Minnesota ("MDL-1708"). Both
4 actions have been noticed by defendants to the Judicial Panel on
5 Multidistrict Litigation ("JPML") as "potential tag-along
6 actions" for inclusion in MDL-1708. (RJN, Ex A, "Thirty-Ninth
7 Notice of Potential Tag-Along Actions," filed Sept. 7, 2006 with
8 the JPML.)

9 In light of that notice, the court defers ruling on
10 plaintiffs' motions and STAYS all proceedings in these matters in
11 order to permit time for the JPML to render a decision on the
12 propriety of the transfer of these actions to MDL-1708. Said
13 stay is warranted because should the JPML transfer the actions,
14 allowing the MDL court to decide plaintiffs' motions to remand
15 will serve the purposes of efficiency and consistency for which
16 the MDL process was created. If, however, the cases are not
17 transferred, the court will lift the stay of the proceedings and
18 set the motions for remand within 30 days of the order denying
19 the transfer.

20 IT IS SO ORDERED.

21 DATED: October 4, 2006

22
23 /s/ Frank C. Damrell Jr.
24 FRANK C. DAMRELL, Jr.
25 UNITED STATES DISTRICT JUDGE
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**U.S. District Court
California Northern District (San Jose)
CIVIL DOCKET FOR CASE #: 5:07-cv-00409-JF**

Brown v. Guidant Corporation et al
Assigned to: Hon. Jeremy Fogel
Referred to: Magistrate Judge Patricia V. Trumbull
Cause: 28:1441 Petition for Removal- Personal Injury

Date Filed: 01/22/2007
Date Terminated: 03/08/2007
Jury Demand: Both
Nature of Suit: 362 Personal Inj. Med.
Malpractice
Jurisdiction: Diversity

Plaintiff

Emmett David Brown

represented by **Carole Bosch**
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Nancy Hersh
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Email: jolasov@hershlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

Guidant Corporation
an Indiana Corporation

represented by **Sara J. Romano**
Shook, Hardy & Bacon, L.L.P.
333 Bush St., Suite 600
San Francisco, CA 94104-2828
(415) 544-1900
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ATTORNEY TO BE NOTICED

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Email: dgwaltney@shb.com
ATTORNEY TO BE NOTICED

Defendant

Endovascular Technologies, Inc.
*a California Corporation and a
Division of Guidant Corporation*

represented by **Sara J. Romano**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dana Nicole Gwaltney
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Guidant Sales Corporation
an Indiana Corporation

represented by **Sara J. Romano**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dana Nicole Gwaltney
(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Dr. Leland B. Housman

represented by **Michael Ira Neil**

Neil, Dymott, Frank, Harrison &
McFall, APLC

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San Diego, CA 92101

(619) 238-1712

Fax: (619) 238-1562

Email: kmoscinski@neildymott.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 01/22/2007 | 1 | NOTICE OF REMOVAL from Superior Court of the State of California, County of Santa Clara. Their case number is 106CV-073640. (Filing fee \$350.00 receipt number 5461100309). Filed by Guidant Sales Corporation, Guidant Corporation, Endovascular Technologies, Inc.. (gm, COURT STAFF) (Filed on 1/22/2007) (Entered: 01/23/2007) |
| 01/22/2007 | 2 | Certificate of Interested Entities (gm, COURT STAFF) (Filed on 1/22/2007) (Entered: 01/23/2007) |
| 01/22/2007 | 3 | DISCLOSURE STATEMENT filed by Guidant Sales Corporation, Guidant Corporation, Endovascular Technologies, Inc.. (gm, COURT STAFF) (Filed on 1/22/2007) (Entered: 01/23/2007) |
| 01/22/2007 | 4 | NOTICE to Plaintiff by Guidant Sales Corporation, Guidant Corporation, Endovascular Technologies, Inc. of filing <u>1</u> Notice of Removal, (gm, COURT STAFF) (Filed on 1/22/2007) (Entered: 01/23/2007) |
| 01/22/2007 | <u>5</u> | ADR SCHEDULING ORDER: Case Management Statement due by 4/27/2007. Case Management Conference set for 5/4/2007 10:30 AM. (Attachments: # <u>1</u> Standing Order)(gm, COURT STAFF) (Filed on 1/22/2007) (Entered: 01/23/2007) |
| 01/22/2007 | | CASE DESIGNATED for Electronic Filing. (gm, COURT STAFF) (Filed on 1/22/2007) (Entered: 01/23/2007) |
| 01/22/2007 | 6 | NOTICE that Notice of Removal of Action has been Filed in State Court by Guidant Sales Corporation, Guidant Corporation, Endovascular Technologies, Inc. (gm, COURT STAFF) (Filed on 1/22/2007) (Entered: 01/24/2007) |
| 01/22/2007 | 7 | CERTIFICATE OF SERVICE by Guidant Sales Corporation, Guidant Corporation, Endovascular Technologies, Inc. re <u>3</u> Statement of Recent Decision, <u>1</u> Notice of Removal,, <u>2</u> Certificate of Interested Entities, <u>4</u> Notice (Other), <u>6</u> Notice (Other), <u>5</u> ADR Scheduling Order <i>upon Counsel for Plaintiff</i> (gm, COURT STAFF) (Filed on 1/22/2007) (Entered: 01/24/2007) |

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| 01/24/2007 | <u>8</u> | CERTIFICATE OF SERVICE by Guidant Sales Corporation, Guidant Corporation, Endovascular Technologies, Inc. re <u>5</u> ADR Scheduling Order (Romano, Sara) (Filed on 1/24/2007) (Entered: 01/24/2007) |
| 01/25/2007 | <u>9</u> | MOTION to Stay <i>Pending Transfer to MDL Court and Memorandum of Points and Authorities</i> filed by Guidant Sales Corporation, Guidant Corporation, Endovascular Technologies, Inc.. Motion Hearing set for 3/16/2007 09:00 AM in Courtroom 3, 5th Floor, San Jose. (Romano, Sara) (Filed on 1/25/2007) (Entered: 01/25/2007) |
| 01/25/2007 | <u>10</u> | Declaration of Sara J. Romano in Support of <u>9</u> MOTION to Stay <i>Pending Transfer to MDL Court and Memorandum of Points and Authorities</i> filed by Guidant Sales Corporation, Guidant Corporation, Endovascular Technologies, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Related document(s) <u>9</u>) (Romano, Sara) (Filed on 1/25/2007) (Entered: 01/25/2007) |
| 01/25/2007 | <u>11</u> | Proposed Order re <u>9</u> MOTION to Stay <i>Pending Transfer to MDL Court and Memorandum of Points and Authorities</i> by Guidant Sales Corporation, Guidant Corporation, Endovascular Technologies, Inc.. (Romano, Sara) (Filed on 1/25/2007) (Entered: 01/25/2007) |
| 01/26/2007 | <u>12</u> | CERTIFICATE OF SERVICE by Guidant Sales Corporation, Guidant Corporation, Endovascular Technologies, Inc. re <u>4</u> Notice (Other), <u>10</u> Declaration in Support,, <u>11</u> Proposed Order, <u>3</u> Statement of Recent Decision, <u>7</u> Certificate of Service,, <u>1</u> Notice of Removal,, <u>9</u> MOTION to Stay <i>Pending Transfer to MDL Court and Memorandum of Points and Authorities</i> , <u>2</u> Certificate of Interested Entities, <u>5</u> ADR Scheduling Order <i>on counsel for Defendant Dr. Leland Houseman</i> (Gwaltney, Dana) (Filed on 1/26/2007) (Entered: 01/26/2007) |
| 01/31/2007 | <u>13</u> | NOTICE by Guidant Sales Corporation, Guidant Corporation, Endovascular Technologies, Inc. of <i>Fifty-Sixth Notice of Potential Tag Along Actions for Judicial Panel on Multidistrict Litigation</i> (Attachments: # <u>1</u> Exhibit A)(Romano, Sara) (Filed on 1/31/2007) (Entered: 01/31/2007) |
| 01/31/2007 | <u>14</u> | CERTIFICATE OF SERVICE by Guidant Sales Corporation, Guidant Corporation, Endovascular Technologies, Inc. re <u>13</u> Notice (Other), Notice (Other) (Romano, Sara) (Filed on 1/31/2007) (Entered: 01/31/2007) |
| 02/06/2007 | <u>15</u> | MOTION to Sever filed by Leland B. Housman. Motion Hearing set for 4/6/2007 09:00 AM in Courtroom 3, 5th Floor, San Jose. (Attachments: # <u>1</u> Exhibit NOTICE OF LODGMENT OF EXHIBITS IN SUPPORT OF DEFENDANT'S MOTION TO SEVER)(Neil, Michael) (Filed on 2/6/2007) (Entered: 02/06/2007) |
| 02/13/2007 | <u>16</u> | NOTICE by Guidant Sales Corporation, Guidant Corporation, Endovascular Technologies, Inc. of <i>Order Transferring Related Cases Issued by JPML</i> (Attachments: # <u>1</u> Exhibit A)(Romano, Sara) (Filed on 2/13/2007) (Entered: 02/13/2007) |
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| 02/21/2007 | <u>17</u> | MOTION to Remand filed by Emmett David Brown. Motion Hearing set for 4/20/2007 09:00 AM in Courtroom 3, 5th Floor, San Jose. (Haggas, Jeanette) (Filed on 2/21/2007) (Entered: 02/21/2007) |
| 02/21/2007 | <u>18</u> | MEMORANDUM in Support re <u>17</u> MOTION to Remand filed by Emmett David Brown. (Related document(s) <u>17</u>) (Haggas, Jeanette) (Filed on 2/21/2007) (Entered: 02/21/2007) |
| 02/21/2007 | <u>19</u> | Declaration of Rachel Abrams in Support of <u>18</u> Memorandum in Support, <u>17</u> MOTION to Remand filed by Emmett David Brown. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F)(Related document(s) <u>18</u> , <u>17</u>) (Haggas, Jeanette) (Filed on 2/21/2007) (Entered: 02/21/2007) |
| 02/21/2007 | <u>20</u> | OBJECTIONS to re <u>1</u> Notice of Removal, <i>Declaration of Jeffrey A. Kruse</i> by Emmett David Brown. (Haggas, Jeanette) (Filed on 2/21/2007) (Entered: 02/21/2007) |
| 02/21/2007 | <u>21</u> | Proposed Order re <u>19</u> Declaration in Support,, <u>18</u> Memorandum in Support, <u>17</u> MOTION to Remand by Emmett David Brown. (Haggas, Jeanette) (Filed on 2/21/2007) (Entered: 02/21/2007) |
| 02/23/2007 | <u>22</u> | Memorandum in Opposition re <u>9</u> MOTION to Stay <i>Pending Transfer to MDL Court and Memorandum of Points and Authorities</i> filed by Emmett David Brown. (Haggas, Jeanette) (Filed on 2/23/2007) (Entered: 02/23/2007) |
| 03/02/2007 | <u>23</u> | Reply Memorandum <i>in Support of Defendants' 9 Motion to Stay Pending Transfer to MDL Court</i> filed by Guidant Sales Corporation, Guidant Corporation, Endovascular Technologies, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H)(Romano, Sara) (Filed on 3/2/2007) Modified on 3/5/2007 (gm, COURT STAFF). (Entered: 03/02/2007) |
| 03/08/2007 | <u>25</u> | MDL TRANSFER: to the United States District Court for the District of Minnesota. Signed by Clerk of the Panel Jeffery N. Luthi on 3/6/2007. Transferee Judge; Judge Donovan W. Frank.(gm, COURT STAFF) (Filed on 3/8/2007) (Entered: 03/15/2007) |
| 03/13/2007 | <u>24</u> | NOTICE by Guidant Sales Corporation, Guidant Corporation, Endovascular Technologies, Inc. <i>of Transfer to MDL No. 1708</i> (Attachments: # <u>1</u> Exhibit A)(Romano, Sara) (Filed on 3/13/2007) (Entered: 03/13/2007) |
| 10/11/2007 | | FILE LOCATED AT FEDERAL RECORDS CENTER (FRC) San Bruno, CA. Accession #: 021-07-0061; Location #: 735542; Box #: 192. (pmc, COURT STAFF) (Filed on 10/11/2007) (Entered: 10/11/2007) |

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| Description: | Docket Report | Search Criteria: | 5:07-cv-00409-JF |
| Billable Pages: | 4 | Cost: | 0.32 |

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

IRENE KOCOL,

Plaintiff,

v.

GUIDANT CORPORATION, et al.,

Defendants.

Case Number C 06-6537 JF (RS)

ORDER GRANTING DEFENDANTS'
MOTION FOR STAY OF
LITIGATION PENDING TRANSFER
BY THE MDL PANEL

[re: doc. no. 9]

Defendants have filed a "Motion To Discontinue Pretrial Deadlines Pending Transfer To MDL Court," which essentially is a motion to stay all proceedings in this case pending the expected transfer of the case to the District of Minnesota by the Judicial Panel on Multi-District Litigation ("MDL Panel"). The MDL Panel issued a conditional transfer order on December 11, 2006. Plaintiff's opposition to transfer is due to be filed with the MDL Panel by December 26, 2006.

Plaintiff opposes a stay of litigation, asserting that she has a meritorious remand motion that should be heard immediately. That motion is set for hearing before this Court on January 19, 2007.

1 As noted on the record at the hearing on December 22, 2006, numerous similar cases
2 have been transferred by the MDL Panel despite the existence of potentially meritorious motions
3 for remand on grounds similar to those raised by Plaintiff in this case. In those cases, remand
4 issues are being addressed by the MDL Panel in the context of opposition to transfer, and/or by
5 the transferee court. In light of the conditional order of transfer, and that fact that Plaintiff will
6 have the opportunity to raise her remand arguments before the MDL Panel and/or before the
7 transferee court, this Court concludes that Defendants' motion for stay is well taken.
8 Accordingly, Defendants' motion will be granted.

9 **ORDER**

10 Defendants' motion for a stay of litigation pending transfer by the MDL Panel is
11 GRANTED.

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16 DATED: 12/22/06

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18 JEREMY FOGEL
19 United States District Judge
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1 This Order was served on the following persons:

2
3 Rachel Abrams rabrams@hershlaw.com

4 Mark E. Burton, Jr olasov@hershlaw.com

5 Dana N. Gwaltney dgwaltney@shb.com, amoresco@shb.com, hstockwell@shb.com,
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9 scastillo@shb.com, bknight@shb.com; ; dgwaltney@shb.com; ; mreyes@shb.com; ;
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19 Shook Hardy & Bacon LLP

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20 Suite 600

San Francisco, CA 94104-2828

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCIS MCCONVILLE and
VIRGILIO RABUCO,

No. C 06-5151 WDB

Plaintiffs,

ORDER CONTINUING HEARING ON
PLAINTIFFS' MOTION TO REMAND

v.

GUIDANT CORPORATION, et al.

Defendants.

On September 5, 2006, Plaintiffs filed a Motion to Remand to be heard on Wednesday, October 18, 2006. On September 11, 2006, however, the Court received a letter from the Judicial Panel on Multidistrict Litigation ("MDL panel") with notification that this action was subject to a conditional transfer order and, unless a party opposed the transfer within fifteen days, the matter would be transferred to the Honorable Donovan W. Frank in the United States District Court for the District on Minnesota. Indeed, a party did oppose the transfer and, accordingly, on September 25, 2006, the Court received another letter from the MDL panel notifying the Court that an opposition had been filed, and that this Court retained jurisdiction of the action until any transfer ruling became effective.

Given the pending opposition on the conditional transfer order, and in the interest of uniformity of decisions in similar actions, the Court now VACATES AND CONTINUES the October 18, 2006, hearing on Plaintiffs' Motion to Remand. Within five court days after the

MDL panel rules on whether this action will be transferred, counsel for Plaintiffs must **file** a notice of the MDL panel's decision. Once the Court is notified of the ruling, and should the MDL panel decide that the action will *not* be transferred, the Court promptly will set a new date to hear Plaintiff's Motion.

IT IS SO ORDERED.

Dated: September 28, 2006

/s/ Wayne D. Brazil

WAYNE D. BRAZIL
United States Magistrate Judge

Copies to:

All parties,
WDB, Stats

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAEINAR NELSEN, individually and as a
successor in interest to decedent,
CECELIA NELSEN,

Plaintiff,

No. C 06-5170 PJH

v.

**ORDER STAYING CASE
PENDING MDL DECISION**GUIDANT CORPORATION; GUIDANT
SALES CORPORATION; CARDIAC
PACEMAKERS, INC.; BOSTON
SCIENTIFIC CORPORATION, JOHN
MUIR HEALTH; and DOES 1 through
100, inclusive,

Defendants.

The Judicial Panel on Multidistrict Litigation ("JPML") to MDL-1708, *In re Guidant Corp. Implantable Defibrillators Products Liability*, is currently considering plaintiff's opposition to a conditional transfer order, transferring this case to the United States District Court, District of Minnesota ("MDL court"), and plaintiff's motion is due to the JPML on October 10, 2006. The court is in receipt of defendants' opposition to plaintiff's pending motion for remand before this court, in which defendants request the court stay the instant case pending resolution of the JPML proceedings. Because proceedings before the JPML are ongoing, and transfer of this case to the MDL court is likely, the court hereby STAYS all further proceedings in the above case pending resolution of the JPML's transfer decision. Accordingly, the court VACATES the October 18, 2006 hearing date on plaintiff's motion to

1 remand to the state court and any related deadlines. The parties are ORDERED to notify
2 this court regarding the JPML's transfer decision as soon as one is issued.

3
4 September 29, 2006

5 **IT IS SO ORDERED.**

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8 **PHYLLIS J. HAMILTON**
9 United States District Judge

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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Alfred Martinez, et al.,

NO. C 06-05244 JW

Plaintiffs,

**ORDER STAYING CASE PENDING
DECISION BY JUDICIAL PANEL ON
MULTI-DISTRICT LITIGATION**

v.

Guidant Corporation, et al.,

Defendants.

Alfred Martinez and Iro Tsakoyias (collectively, "Plaintiffs") bring this action against Guidant Corporation, Guidant Sales Corporation, Cardiac Pacemakers, Inc., and Boston Scientific Corporation and The Permanente Medical Group, Inc., ("PMG") (collectively, "Defendants") alleging, *inter alia*, strict liability, negligence, and breach of express and implied warranty resulting from and relating to the implant and replacement of certain medical devices received by Plaintiffs.

Plaintiffs originally filed this action on June 15, 2006 in the Superior Court for the State of California in Santa Clara County. On August 25, 2006, Defendants removed the case to federal court pursuant to 28 U.S.C. §§ 1441(a) and 1446 on the basis of diversity jurisdiction, 28 U.S.C. § 1332, and allege Plaintiffs fraudulently joined PMG to defeat such jurisdiction. (Notice of Removal, Docket Item No. 1, ¶¶ 20-27.)

On October 6, 2006, the Judicial Panel on Multi-district Litigation ("JPML") to MDL-1708, In re Guidant Corp. Implantable Defibrillators Product Liability, issued an order conditionally transferring this case to the Multi-district Litigation ("MDL") proceedings pending in the United

1 States District Court for the District of Minnesota.

2 On October 16, 2006, the Court conducted a hearing on Plaintiff's Motion to Remand.


3 Defendants contend the Court should stay this action and postpone any decision on the motion until
4 the JPML has resolved the transfer issue.

5 On October 17, 2006, the JPML issued its notice of a November 30, 2006 hearing session.

6 According to the notice, the JPML will decide, without oral argument, whether several cases
7 addressing issues almost identical to those raised by Plaintiff's motion will be transferred to the
8 MDL proceeding. (Second Notice of Orders by the Judicial Panel On Multi-district Litigation and
9 Courts in Related Cases, Docket Item No. 25.)

10 In light of the ongoing proceedings before the JPML, the Court STAYS all further
11 proceedings in this case. The Court terminates Plaintiff's motion for remand. Plaintiff may re-notice
12 the motion should the JPML decides not to take this case. All pretrial deadlines are continued until
13 there is a determination by the JPML. The case management conference presently scheduled for
14 December 11, 2006 is VACATED.

15
16 Dated: November 28, 2006



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Dana N. Gwaltney dgwaltney@shb.com

3 Kristin Marie Lucey kristin@gjel.com

4 Luke Ellis luke@gjel.com

5 Sara J. Romano sromano@shb.com

6 **Dated: November 28, 2006**

Richard W. Wieking, Clerk

7 **By: /s/ JW Chambers**

Elizabeth Garcia

Courtroom Deputy

United States District Court

For the Northern District of California

FILED

2006 OCT 17 AM 8:21

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIABY RM DEPUTYUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

THEODORE HARDSON,

Plaintiff,

vs.

GUIDANT CORPORATION, et al.,

Defendants.

CASE NO. 06CV1687 JM (RBB)

ORDER STAYING
PROCEEDINGS

The court has received notice of a Conditional Transfer Order conditionally transferring this action to the MDL proceeding, In re Guidant Corp. Implantable Defibrillators Products Liability Litigation (MDL-1708), which is pending before the United States District Court for the District of Minnesota. It is hereby **ORDERED** that proceedings before this court are **STAYED** pending the transfer proceedings before the Judicial Panel on Multidistrict Litigation. Although the motion to remand set for October 20, 2006 will remain on calendar and be submitted on the papers, the court will not decide the motion pending the transfer proceedings. In addition, the status conference set for October 27, 2006 is **VACATED**.

IT IS SO ORDERED.DATED: 10/16/, 2006Jeffrey T. Miller
JEFFREY T. MILLER
United States District Judge

cc: All parties

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4 **UNITED STATES DISTRICT COURT**
5 **SOUTHERN DISTRICT OF CALIFORNIA**
6

7 FRED W. SEEGER,

8 Plaintiff,

9 vs.

CASE NO. 06cv1685 BTM(JMA)

ORDER STAYING PROCEEDINGS

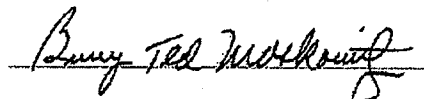
10 GUIDANT CORPORATION; GUIDANT
11 SALES CORPORATION; CARDIAC
12 PACEMAKERS, INC.; BOSTON
13 SCIENTIFIC CORPORATION; KAISER
14 FOUNDATION HOSPITALS;
15 SOUTHERN CALIFORNIA
16 PERMANENTE MEDICAL GROUP,
17 INC.; KAISER FOUNDATION HEALTH
18 PLAN, INC.; and DOES 1 through 100,
19 inclusive,

20 Defendants.

21 The Court has received notice of a Conditional Transfer Order conditionally
22 transferring this action to the MDL proceeding, In re Guidant Corp. Implantable Defibrillators
23 Prodcuts Liability Litigation ("MDL-1708"), which is pending before the United States District
24 Court for the District of Minnesota. It is hereby **ORDERED** that proceedings before this court
25 are **STAYED** pending the transfer proceedings before the Judicial Panel on Multidistrict
26 Litigation. Although the motion to remand will be submitted on the papers on October 20,
27 2006, the Court will not decide the motion pending the transfer proceedings.

28 **IT IS SO ORDERED.**

DATED: October 13, 2006


Hon. Barry Ted Moskowitz
United States District Judge

Other Orders/Judgments

3:06-cv-01685-BTM-JMA Seeger, et al v. Guidant Corporation, et al

U.S. District Court

Southern District of California

Notice of Electronic Filing

The following transaction was received from cag, entered on 10/13/2006 at 3:15 PM PDT and filed on 10/13/2006

Case Name: Seeger, et al v. Guidant Corporation, et al

Case Number: 3:06-cv-1685

Filer:

Document Number: 8

Docket Text:

ORDER STAYING CASE pending transfer proceedings before the Judicial Panel on Multidistrict Litigation. Signed by Judge Barry Ted Moskowitz on 10/13/06. (cag)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1106146653 [Date=10/13/2006] [FileNumber=1301655-0] [905d8f5d01d6c7930cbe06f834ce26fce6fe1dcb62f95fc78ba73e9cb8715af30a5a0eb8fd7a836618bc5bbe0c7c353f4dfbce4fd0f586655e9082eef7dd7ed1]]

3:06-cv-1685 Notice will be electronically mailed to:

3:06-cv-1685 Notice will be delivered by other means to:

Kevin W Alexander
Gordon and Rees
101 West Broadway
Suite 1600
San Diego, CA 92101

Thomas A Schultz
Lopez Hodes Restaino Milman and Skikos
450 Newport Center Drive
Suite 200
Newport Beach, CA 92625

CM/ECF - casd

Page 1 of 1

Other Orders/Judgments

3:06-cv-01685-BTM-JMA Seeger, et al v. Guidant Corporation, et al

U.S. District Court

Southern District of California

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The following document(s) are associated with this transaction:

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Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1106146653 [Date=10/13/2006] [FileNumber=1301655-0] [905d8f5d01d6c7930cbe06f834ce26fce6fe1dcb62f95fc78ba73e9cb8715af30a5a0eb8fd7a836618bc5bbe0c7c353f4dfbce4fd0f586655e9082eef7dd7ed1]]

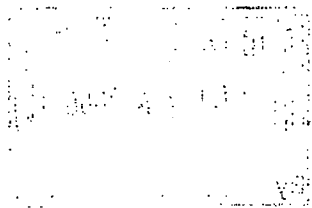
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Suite 1600
San Diego, CA 92101




Case 3:06-cv-01688-B-RBB Document 9 Filed 10/31/2006 Page 2 of 2

1 the transfer proceedings before the JPML. Plaintiff's Motion to Remand currently
2 scheduled for hearing on Monday, November 20, 2006, at 2:00 P.M. will be submitted on
3 the papers on November 20, 2006. However, the Court will not decide the Motion pending
4 the transfer proceedings.

5
6
7 **IT IS SO ORDERED**

8
9 DATED: October 31, 2006

10 
11 Hon. Rudi M. Brewster
12 United States Senior District Court Judge

13 cc: Hon. Ruben B. Brooks
14 United States Magistrate Judge

15 All Counsel of Record
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